



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

M

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/719,148	12/08/2000	Guillaume Bichot	PF980074	5718

24498            7590            03/21/2007  
JOSEPH J. LAKS, VICE PRESIDENT  
THOMSON LICENSING LLC  
PATENT OPERATIONS  
PO BOX 5312  
PRINCETON, NJ 08543-5312

EXAMINER	
BARQADLE, YASIN M	
ART UNIT	PAPER NUMBER
2153	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/719,148	BICHOT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Yasin M. Barqadle	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____.                         |

### **Response to Amendment**

1. The amendment filed on January 05, 2007 has been fully considered but are not persuasive.

- Claims 1-14 are presented for examination.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1,9 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. “Wherein the communication of information concerning the messages buffer size between said first device and said second device is at the same network layer level as the communications of messages containing payload”.

Applicant states “This features are supported by the original specification, for example, fig. 6 of the specification show that the communication of information concerning the message buffer size between said first device and said second device is at the same network layer level as the communications of messages containing payload.” Applicant also refers to page 13, line 28 to page 14, line 13. Examiner notes that the portions pointed out by the Applicant do not show “wherein the communication of information concerning the messages buffer size between said first device and said second device is at

the same network layer level as the communications of messages containing payload.”

These portions show a communication of information concerning the messages buffer size between a first device and a second device...” There is in no mention of these steps being communicated “at the same network layer level as the communications of messages containing payload.” It is not clear what network layer level is applicant referring to.

3. Claims 1, 9 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. “wherein the communication of information concerning the messages buffer size between said first device and said second device is at the same network layer level as the communications of messages containing payload”. Applicant states “This features are supported by the original specification, for example, fig. 6 of the specification show that the communication of information concerning the message buffer size between said first device and said second device is at the same network layer level as the communications of messages containing payload.” Applicant also refers to page 13, line 28 to page 14, line 13. Examiner notes that the portions pointed out by the Applicant do not show “wherein the communication of information concerning the messages buffer size between said first device and said second device is at the same network layer level as the communications of messages containing payload.” These portions show a communication of information concerning the messages buffer size between a first device and a second

device..." It does not show how the communication of information concerning the messages buffer size between said first device and said second device "is at the same network layer level as the communications of messages containing payload." It is not clear from the specification what network layer level is applicant referring to and how the step of "wherein the communication of information concerning the messages buffer size between said first device and said second device is at the same network layer level as the communications of messages containing payload." is performed.

### **Response to Arguments**

4. Applicant argues in substance that:

Strecker does not disclose or suggest the new limitation of "wherein the communication of information concerning the messages buffer size between said first device and said second device is at the same network layer level as the communications of messages containing payload."

In response, Examiner notes that the applicant has not shown clearly where these limitations are taught in the original specification as explained above. However, Examiner contends that Strecker shows buffer size information and message containing payload are communicated in the same network layer (see for example (fig. 3; col. 8, lines 40 to col. 9, lines 29 and 13, lines 3-24)

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 11 recites the limitation "said first and second devices" in line and "said second device" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-7 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Strecker et al. (U.S. Patent Number 4,777,595, hereinafter "Strecker"). Strecker discloses an apparatus for transferring blocks of information from one node to a second node in a computer network. Strecker shows,

In referring to claim 1 and 9,

- Opening a connection between said first device and said second device; having said second device allocate a message buffer to said connection, said second device communicating the message buffer size to said first device:

*"Prior to a transfer, the names, offsets and lengths of buffers in other nodes are determined and exchanged through higher level protocols. The message packets of the present invention reference only the name, length (in bytes) and offset (i.e., location relative to the starting address of the buffer) into the buffer. Offset mapping is also implementation-dependent."* (Strecker, Col. 3, lines 67 to col. 4, line 15 and col. 7, lines 54 to col. 8, lines 22)

- Having said first device transmit said data packet to said second device, wherein said data packet is split and sent as payload in messages, where the size of the payload of each message is smaller or equal to said message buffer size (Col. 13, lines 3-10):

*"To write data from a first node to a second node, the first node puts an appropriate number of so-called SNTDAT packets onto the communications bus, each containing a part of the data and labeled with the name of the destination (i.e., receiving) buffer in the second node and the offset in the receive buffer for that particular packet. A transaction identifier unique to the group of packets also is transmitted, for use in the message confirmation process."* (Strecker, col. 4, lines 16-24. see also col. 12, lines 45-55 and col. 13, lines 3-26)

wherein the communication of information concerning the messages buffer size between said first device and said second device is at the same network layer level as the communications of messages containing payload (fig. 3; col. 8, lines 40 to col. 9, lines 29 and 13, lines 3-24)

In referring to claim 2

- Said payloads have a first maximum length independent of said first and second devices:

A maximum transmission unit (MTU) is inherently implied in a packet switching network

- A second maximum length dependent of said second device is constituted by said message buffer size, the shortest of said first and second maximum lengths being retained for sending messages to said second device:

*"Data packet length is discretely variable. All the packets of the transfer except the last should be of an agreed-upon size and the last packet should carry the remainder and be less than or equal to the preceding packets in size."* (Strecker, col. 5, lines 41-45)

A system that has nodes with different buffer sizes and a MTU based on the network, using the smallest of these sizes to send data packets is inherently implied

wherein the communication of information concerning the messages buffer size between said first device and said second device is at the same network layer level as the

communications of messages containing payload (fig. 3; col. 8, lines 40 to col. 9, lines 29 and 13, lines 3-24)

In referring to claim 3,

- Said connection is opened by said first device through a function call sent to said second device for writing data to said second device:

*"To minimize the number of host interrupts, commands can be generated in the receiving port automatically, responsive to a basic command from the sending port, as in the case of generating a confirmation message or performing a READ operation."* (Strecker, col. 5, lines 3-7)

In referring to claim 4,

- Said connection is opened by said second device through a function call sent to said first device for reading data from said first device:

*Strecker, col. 5, lines 3-7* (see full quote above)

In referring to claim 5,

- Said first device comprises at least one data storage element for storing said data packet:

Strecker, Fig. 1 shows the first device **14** has a data storage element **25A**

In referring to claim 6,

- Said device comprises more than one storage element, each of said storage elements being identified by an identifier:

Strecker, Fig. 1 shows the first device **14** has data storage elements **25A** and **25B**

In referring to claim 7,

- Said second device comprises at least one data storage element for storing said data packet:

Strecker, Fig. 1 shows the second de

In referring to claim 10,

It is directed to a method for receiving data in a receiving device coupled to a transmitter device in a home network, and similarly recites the additional feature of claims 1 and 9 mentioned above. Therefore, it is rejected with the same rationale.

In referring to claim 11

- Said payloads have a first maximum length independent of said first and second devices:

A maximum transmission unit (MTU) is inherently implied in a packet switching network

- A second maximum length dependent of said second device is constituted by said message buffer size, the shortest of said first and second maximum lengths being retained for sending messages to said second device:

*"Data packet length is discretely variable. All the packets of the transfer except the last should be of an agreed-upon size and the last packet should carry the remainder and be less than or equal to the preceding packets in size."* (Strecker, col. 5, lines 41-45)

A system that has nodes with different buffer sizes and a MTU based on the network, using the smallest of these sizes to send data packets is inherently implied

In referring to claim 12,

- The step of opening a connection by sending a function call to said transmitter device for reading data from said transmitter device  
*Strecker, col. 5, lines 3-7* (see full quote above)

In referring to claim 13,

- Wherein said receiver device comprises at least one data storage element for storing said data packet:

Strecker, Fig. 1 shows the first device 14 has a data storage element 25A

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 8 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strecker in view of Muller et al. (U.S. Patent Number 6,021,132, hereinafter “Muller”). Although Strecker shows substantial features of the claimed invention, Strecker does not show the buffers are dynamically allocateable. Nonetheless this feature is well known in the art and would have been an obvious (addition/modification) to the system disclosed by Strecker as evidenced by Muller. In analogous art, Muller discloses a shared memory management in a switched network element. Muller shows: “The shared memory manager dynamically allocates buffers on behalf of the input ports and tracks ownership counts for each of the buffers based upon information provided by the input ports and the output ports.” (Muller, col. 2, lines 49-52). Given these teachings, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system of Strecker so as to dynamically allocate memory to the memory buffer, such as taught by Muller, in order to efficiently allocate memory to operations that need it.

### Conclusion

8. The prior made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yasin Barqadle whose telephone number is 571-272-3947. The examiner can normally be reached on 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Information regarding the status of an application may be obtained form the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PAIR system. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YB

Art Unit 2153



WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100